



**City of Miami Beach – City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**April 20, 2005**

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Mayor David Dermer  
 Vice-Mayor Luis R. Garcia, Jr.  
 Commissioner Matti Herrera Bower  
 Commissioner Simon Cruz  
 Commissioner Saul Gross  
 Commissioner Jose Smith  
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
 City Attorney Murray H. Dubbin  
 City Clerk Robert E. Parcher

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

- PA1 Proclamation Declaring May 16-20 "Municipal Clerk's Week" in Miami Beach.
- PA2 Certificate of Appreciation/Steve Davidson & The Florida Moving Image Archive.
- PA3 Proclamation Declaring April 2005 "National Donate Life Month" in Miami Beach.
- PA4 Proclamation/In Honor of the Christopher Ricardo Cystic Fibrosis Foundation Day. (Smith)
- PA5 Proclamation Declaring May 2005 as Cystic Fibrosis Awareness Month. (Smith)
- C2A Request for Approval, Purchase Several Vehicles & Trucks, \$381,004.75.
- C2B Request for Approval, Purchase (2) 2005 Chevrolet Impala Vehicles, \$30,928.00.
- C2C BA 02-04/05, Purchase Spitter Tickets, Scratch-Off Hang Tags & Two Part Tickets, \$79,046.40.
  
- C4A Ref: Finance & Citywide Projects Comm. - Capital Improvement of Rotunda & 21 Street Complex.
- C4B Ref: Land Use & Development Committee - Ordinance for the Evaluation of Older Buildings.
  
- C6A Report: General Obligation Bond Oversight Committee Meeting of March 7, 2005.
- C6B Report: Finance & Citywide Projects Committee Meeting of March 9, 2005.
- C6C Report: Land Use & Development Committee Meeting of March 28, 2005.
- C6D Report: General Obligation Bond Oversight Committee Meeting of April 4, 2005.
- C6E Report: Land Use & Development Committee Meeting of April 11, 2005.
- C6F Report: Neighborhood/Community Affairs Committee Meeting of March 29, 2005.
  
- C7A Appropriate Funds, 25<sup>th</sup> Street Water Tanks Project.
- C7B Waive Bidding, Goods & Services for FY 05 Capital Renewal/Replacement Fund Projects. **5/7**
- C7C Set Public Hearing, Proposed Surface Parking Lot at 137 Washington Avenue.
- C7D Authorize Donation of (3) Police Pursuit Vehicles to Miami-Dade College School of Justice.
- C7E Submit Applications for Grant Funds to Several Funding Agencies.
- C7F Recommend Appointments to the South Florida Employment & Training Consortium.
- C7G Issue RFP, Obtain Various Medical Services Required by Law for HR Purposes.
- C7H Establish April 2005 As "Fair Housing Month" in the City of Miami Beach.
- C7I Execute Home Program Agreement w/ MBCDC, Rehabilitation of the Westchester Apartments.
- C7J Set Preliminary Public Hearing, Proposed Gilbert M. Fein Neighborhood Conservation District.

C7K Issue P.O., Purchase X-26 Tasers, Air Cartridges & Holsters for the Police Department.**SM**

C7L Appropriate Funds, Purchase (2) Nu-Metrics Speed & Volume Counters for Traffic Calming.  
C7M Approve Amendment to EDAW's Agmt, Flamingo Neighborhood R-O-W Improvement Project.

### REGULAR AGENDA

R5A **10:30 a.m. 1<sup>st</sup> & Only Rdg**, Amend Official Zoning District Map for 2620 Biarritz Drive. **5/7**  
R5B **10:45 a.m. 2<sup>nd</sup> Rdg**, Nonconforming Structures Ordinance. **5/7**  
R5C **5:05 p.m. 1<sup>st</sup> Rdg**, Designation of the Flamingo Waterway Historic District. **5/7**  
R5D **1<sup>st</sup> Rdg**, Housing for Low and/or Moderate Income Elderly. **5/7**  
R5E **1<sup>st</sup> Rdg**, Demolition Procedures for Non-Designated Structures. **5/7**  
R5F **10:40 a.m. 1<sup>st</sup> Rdg**, Repealing the "Peddlers & Solicitors" Ordinance. (Bower)  
R5G **4:00 p.m. 1<sup>st</sup> Rdg**, Anchoring & Mooring of Watercraft Ordinance. (Smith)  
R5H **1<sup>st</sup> Rdg**, Sex Offenders Residency Prohibition Ordinance. (Dermer)**A**

R7A **W-10:15 a.m.** Approve Vacation of 5860 North Bay Road. (Schindler) **5/7**  
R7B **W-10:15 a.m.** Approve Vacation of 5480 North Bay Road. (Donnelly) **5/7**  
R7C **11:15 a.m.** Approve Vacation of Aquarium Site Resubdivision (Developer of Vitri Project). **5/7**  
R7D **W-5:00 p.m.** Approve Addendum to Development Agreement with the New World Symphony.  
R7E **5:01 p.m.** Create Restricted Residential Parking Permit Zone 14/Belle Isle.  
R7F **5:10 p.m.** Approve Development Agreement w/ Potamkin/Berkowitz, 5<sup>th</sup> & Alton" Project.  
R7G **5:10 p.m.** Accept Recommendation, Environmental Assessment for 5<sup>th</sup> & Alton Transit Center.  
R7H **Joint**, Change Dates for the 2005 Commission Meetings.  
R7I Continue Construction Scope of Work of the Pool Portion of the Normandy Isle Project.**SM**  
R7J Appropriate Funds, Complete the Park Portion of the Normandy Isle Project.**SM**  
R7K **4:15 p.m.** Approve Preliminary Plans Submitted by the JCC for 4221-29 Pine Tree Drive.

R9A Board and Committee Appointments.  
R9A1 Nominate Jim Weingarten to the Art in Public Places Committee. (Cruz)  
R9A2 Reappoint Nancy Liebman to the Performing Arts Center Trust. (Dermer)  
R9A3 General Obligation Bond Oversight Committee Appointment.  
R9A4 Nominate Christina Cuervo to the G.O. Bond Oversight Committee. (Dermer)  
R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
R9C Disc. Resolution Urging the Florida Legislature to Utilize the District Cost Differential. (Bower)  
R9D **Noon**, Committee of the Whole: Fiscal Year 2005/06 General Fund Budget Briefing.  
R9E Disc. Resolution Urging S. Fla. Workforce Not to Close the One Stop Career Center. (Bower)  
R9F Disc. Urban Impact Compensation Fund. (Dermer)  
R9G **3:45 p.m.** Disc. Possible Demolition of the Fontainebleau North Tower. (Dermer)  
R9H Disc. & Referral, Sex Offenders Residency Prohibition Ordinance. (Dermer) **(Moved to R5H)**  
R9I Disc. Access Redevelopment Funds to Enhance Fire Rescue Services. (Garcia)  
R9J Disc. Carrfour Facility Being Established on North Beach. (Garcia)  
R9K Disc. Resolution Opposing the Funding Cap on the SHIP Program by Tallahassee. (Bower)**A**

R10A **Noon**, Notice of Attorney-Client Session: CMB V. Miami-Dade County, Fla. & 900 Collins Ave.

A City Attorney's Status Report.  
B Parking Status Report.  
C Status Report on Fire Station No. 2.  
D Status Report on Fire Station No. 4.  
E Informational Report on Federal, State, County and All Existing City Contracts.  
F1 Minutes from December 2, 2004 Miami-Dade County League of Cities Board Mtg. (Steinberg)  
F2 Minutes from January 28, 2005 Miami-Dade County Homeless Trust Board Mtg. (Steinberg)  
F3 Minutes from February 25, 2005 Miami-Dade County Homeless Trust Board Mtg. (Steinberg)

### REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

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- 2A Report of Itemized Revenues/Expenditures of RDA for February 2005.  
3A **Joint**, Change Dates for the 2005 Redevelopment Agency Meetings.

Meeting called to order at 9:21:23 a.m.

Invocation given by Father Tito Soler, St. Patrick's Church.

Pledge of Allegiance led by Saul Frances, Parking Department Director.

**Times based on the digital recording in the City Clerk's Office**

**9:42:50 a.m.**

**Addendum Items: R5H and R9K**

**ACTION:** Motion made by Commissioner Bower to add items R5H and R9K as emergency items to the Commission Agenda; seconded by Commissioner Smith; Voice vote: 7-0.

**Supplemental Materials:**

C7K (Resolution), R7I (Memorandum) and R7J (Memorandum).

**PA - Presentations and Awards**

**9:23:51 a.m.**

- PA1 Proclamation Declaring The Week Of May 16 To May 20, 2005 As "Municipal Clerk's Week" In Miami Beach To Be Presented To The City Clerk's Office Staff.  
(City Clerk's Office)

**ACTION:** Proclamation presented. Mayor Dermer recognized Robert Parcher, City Clerk and the staff of the City Clerk's Office and proclaimed the week of May 16-20, 2005 as Municipal Clerk's Week.

Robert Parcher, City Clerk, recognized and thanked Kerry Hernandez, Liliam Hatfield, Lillian Beauchamp and Jakes Olson who were present at the meeting. He also reminded the City Commission that a Mock Commission Meeting will take place on May 16<sup>th</sup> honoring the 90<sup>th</sup> anniversary of the City.

- PA2 Certificate Of Appreciation To Be Presented To Steve Davidson And The Florida Moving Image Archive, For Their Efforts To Preserve The Film And Video Images Which Document The History And Culture Of Miami Beach.

(City Clerk's Office)

**ACTION:** Item deferred to the May 18<sup>th</sup> Commission Meeting. Lilia Cardillo to place on the Commission Agenda.

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**9:32:20 a.m.**

PA3 Proclamation Declaring April 2005, As "National Donate Life Month" In Miami Beach.  
(City Manager's Office)

**ACTION:** Proclamation presented.

Ramiro Inguanzo, Chief of Staff, City Manager's Office, informed the City Commission that in 2003 the U.S. Federal Government declared the month of April as "National Donate Life Month," in an effort to raise awareness of the critical need for organ, tissue, marrow, and blood donation across the country. In the last three years, the City has participated by making employees and residents aware of the many opportunities available for organ, tissue, marrow and blood donations. This year the City partnered with two organizations: Life Alliance and the Community Blood Centers of South Florida. He recognized Ms. Phyllis Shamis from the Miami Beach Police Department, who has been the driving force for the past three years making employees aware of the critical need for organ donation and of the many opportunities to participate.

Phyllis Shamis, Miami Beach Police Department, thanked Jorge Gonzalez, City Manager, for the opportunity to speak. Ramiro Inguanzo and her have been working for several months to put this presentation together. She explained that her husband Scott had a heart transplant in 2001 at Jackson Memorial Hospital, and one of her life missions is to promote donations. She introduced Rebekka McCollum and Eric Garcia.

Rebekka McCollum, Community Affairs Coordinator, Life Alliance Organization, thanked the City Commission for the opportunity to speak and bring awareness to this cause. She stated that there are over 87,000 people in the national list waiting for an organ and/or tissue donation. The City of Miami Beach is on the forefront of the local seven counties in South Florida, and is one of the inaugural cities to join "Donate Life for Workplace Partnership Program." She acknowledged recipients of organ donations in the audience.

Eric Garcia, Community Blood Centers of South Florida, thanked the City Commission for sponsoring the blood drive scheduled for Thursday, April 21<sup>st</sup>. He added that his main mission is to open the doors and the awareness and broaden the understanding of how many lives can actually be touched by another human being. It is a commitment to live for ourselves and for those less fortunate. He urged the public to participate in the blood drive.

**9:26:12 a.m.**

PA4 Proclamation To Be Presented In Honor Of The Christopher Ricardo Cystic Fibrosis Foundation Day.  
(Requested by Commissioner Jose Smith)

**ACTION:** Proclamation presented.

Eden Carr, Executive Director, Cystic Fibrosis Foundation, spoke.

Maria Ricardo thanked everyone especially Commissioner Smith, for the efforts in raising awareness and in helping to raise funds to fight cystic fibrosis with this event, which will take place May 14<sup>th</sup> at South Pointe Park.

Mayor Dermer encouraged everyone to attend the event on Saturday, May 14<sup>th</sup> at 8:00 a.m., at South Pointe Park.

Handout or Reference Materials

1. Color brochure handed out by Ms. Carr

**9:26:12 a.m.**

PA5 Proclamation Declaring May 2005, As Cystic Fibrosis Awareness Month.  
(Requested by Commissioner Jose Smith)

**ACTION:** See item PA4.

**9:40:07 a.m.**

**New Item:**

Mayor Dermer announced the closure of the Executive Session held on March 16, 2005 - Miami Beach vs. Collins Ave. LLC., which took place at the end of the session at approximately 3:30 p.m. He asked Murray Dubbin, City Attorney, to announce today's Executive Session.

Murray Dubbin, City Attorney, requested an Executive Session be held today during the lunch recess so that the Legal Department can seek the advice of the City Commission involving the following litigation: City of Miami Beach vs. Miami-Dade County and 900 Collins Ave, LLC Appellate Division, Case No. 05-087. The purpose is to seek the City Commission's advice concerning potential settlement issues and the ongoing litigation. The Mayor and City Commission approved the Executive Session without objection.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Mayor David Dermer.

**C2 - Competitive Bid Reports**

C2A Request For Approval To Purchase, From Duval Ford, In The Amount Of \$289,044.00, Twenty-One (21) 2005 Ford Taurus Vehicles; From Garber Ford, In The Amount Of \$14,788.15, One (1) 2005 Ford Ranger Pickup Truck With Extended Cab; And From Maroone Dodge, In The Amount Of \$77,172.60, Four (4) 2005 Dodge Magnum Vehicles, Pursuant To Florida State Contract No. 04-12-0823.

(Fleet Management)

**ACTION:** Award authorized. Drew Terpak to handle.

C2B Request For Approval To Purchase From Garber Chevrolet, In The Amount Of \$30,928.00, Two (2) 2005 Chevrolet Impala Vehicles, Pursuant To State Of Florida Contract No. 070-001-05-1.

(Fleet Management)

**ACTION:** Award authorized. Drew Terpak to handle.

C2C Request For Approval To Award Purchase Orders To Southland Printing, Globe Ticket, And Rydin Decal For An Estimated Annual Amount Of \$79,046.40, Pursuant To Invitation To Bid No. 02-04/05 For The Purchase Of Spitter Tickets, Scratch-Off Hang Tags And Two Part Tickets.

(Parking Department)

**ACTION:** Award authorized. Gus Lopez to award Purchase Orders. Saul Frances to handle.

#### **C4 - Commission Committee Assignments**

- C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding Capital Improvement Of The Rotunda And 21 Street Complex.  
(Tourism & Cultural Development)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Max Sklar to handle.

- C4B Referral To The Land Use And Development Committee A Discussion Regarding An Ordinance For Evaluation Of Older Buildings Recommended By The Mayor's Blue Ribbon Panel On Structural Integrity Of The Building.  
(Building Department)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda. Hamid Dolikhani to handle.

#### **C6 - Commission Committee Reports**

- C6A Report Of The General Obligation Bond Oversight Committee Meeting Of March 7, 2005: **1)** Contingency Report; **2)** Discussion Item: A) Discussion On Committee Activities; **3)** Project Status Report: A) Fire Station No. 2; B) Fire Station No. 4; C) Normandy Isle Park And Pool; D) West Avenue Neighborhood; E) Venetian Causeway; F) Venetian Islands Neighborhood - Belle Isle; G) Bayshore Neighborhood; H) Alton Road And Chase Avenue Improvements; And **4)** Informational Items: A) Updated Calendar Of Scheduled Community Meetings; B) Updated Calendar Of Committee Meetings.

**ACTION:**

**Item 1:**

The Administration informed the Committee that no new change orders had been approved since the last meeting. A list of the change orders approved to date is attached as "Exhibit A".

**Item 2 & 2A:**

The Committee discussed the activities currently being performed by the Committee and the nature of what future activities could or should be. At its February meeting, the Committee requested that the Administration present comments and recommendations as to how the Committee could be productive and how the Committee could provide assistance to the Administration and City Commission regarding implementation of the General Obligation Bond fund program.

A review of the Committee's purview and recommendations of future activities of the Committee were provided. The Administration recommended that the Committee's scope and mission remain as it is, with an expanded role in Community Information and Outreach activities and providing assistance in securing additional funding to leverage the existing bond funds.

The Committee will create a smaller sub-committee to further define the Committee's role with regard to Community Information and Outreach activities.

**Item 3A**

**ACTION:**

The Administration informed the Committee that the **Fire Station No. 2** project is moving along as

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planned. Structural components are under construction, and the temporary parking lot for the Fire Fighters and Public Works staff was nearing completion.

**Item 3B****ACTION:**

The Committee was told that the construction of the seawall portion of the **Fire Station No. 4** project was nearing completion. The foundation of the new Fire Station building was under construction.

**Item 3C****ACTION:**

With regard to the **Normandy Isle Park and Pool** project, the Administration informed the Committee that all documentation for the pool portion had been provided to the Surety as well as a possible replacement contractor for pricing and evaluation. The Surety had stated that they would be issuing an Invitation to Bid within the next thirty (30) days to find a replacement contractor. The Surety is responsible for completing the scope of work included in the former contractor's Construction Contract, as amended through change orders, at the price agreed upon with the former contractor, and the Surety has committed to completing the project. The park portion of the project was being priced, and work should begin shortly.

**Item 3D****ACTION:**

A Community Design Workshop (CDW) was held early on in the **West Avenue Neighborhood** project, wherein it became evident that the stormwater and water infrastructure components were substantially under-funded. The overwhelming consensus from the residents was to put the project on hold while additional funds were identified. The funds have not yet been identified, and the City has been negotiating with the consultant to provide planning services for a modified scope. These negotiations are still underway, but when they are complete, an amendment will be presented and planning will resume.

**Item 3E****ACTION:**

The City is negotiating an Interlocal Agreement with Miami-Dade County for the improvements included in the **Venetian Causeway** project. The County will be the lead entity, as the Causeway is a County road. The City will fund some of the improvements to the Causeway that is within the City's boundaries.

**Item 3F****ACTION:**

With regard to the **Venetian Islands Neighborhood** project, the City has been negotiating with the A/E firm for additional services for further design. The County has asked for revisions to the design with regard to the crosswalks, which is a regulatory issue related to sightline visibility.

**Item 3G**

**ACTION:** The City has worked with the consultant on the **Bayshore Neighborhood** project to revise the scope of the bid packages to remove the Sunset Islands I and II areas from Bid Package D to Bid Package B, so that that portion of the neighborhood is not delayed due to the undergrounding efforts of Sunset Islands III and IV. Bid Packages A, B and C have all reached the 30% design level. Bid Package D will be placed on hold until the undergrounding efforts are further defined.

**Item 3H****ACTION:**

The report on the **Alton Road and Chase Avenue Improvements** was deferred until the April meeting.

**Item 4A:**

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

**Item 4B****ACTION:**

The updated calendar of Committee meetings was presented to the Committee, but not reviewed during the meeting.

- C6B Report Of The Finance And Citywide Projects Committee Meeting Of March 9, 2005: **1)** Discussion Regarding The City's Plans For Street Improvements; **2)** Discussion Regarding The Colony Theatre Project; **3)** Discussion Regarding The Shane Watersports Center; **4)** Discussion Regarding The Parking System Capital Budget/Walker Parking Plan; And **5)** Discussion Regarding The Miami Beach Community Health Center.

**ACTION:** A meeting of the Finance and Citywide Projects Commission Committee (Committee) was held on March 9, 2005 at 2:49 p.m. in the City Manager's Large Conference Room.

**Item 1:**

**ACTION:** Item deferred.

**Item 2:****ACTION:**

The Committee moved the item to the full Commission. The Committee also directed the Administration to obtain a price quote for inclusion of the restoration of the theatre restrooms into the Guaranteed Maximum Price (GMP). **Jorge Chartrand to handle.**

**Item 3:****ACTION:**

The Committee moved the item to the full Commission, recommending approval of the proposed item with the stipulation that if any operational parking issues develop at the parking lot, the item will be revisited. **Saul Frances to monitor.**

**Item 4:****ACTION:**

The Committee moved the item to the full Commission for discussion.

**Item 5:****ACTION:**

Discussion Item – No Action Necessary.

City Clerk Cross-reference: See February 23, 2005 – C4C.



C6C Report Of The Land Use And Development Committee Meeting Of March 28, 2005: **1) This item was not listed in the original title:** Discussion Regarding Updating ADA Code To Include Innovative Forms Of Vehicles – Jacksonville Ordinance. ~~4)~~ **2)** Discussion Regarding Long Term Storage Of Pods; And ~~2)~~ **3)** Proposed Ordinance Regarding Demolition Procedures For Non-Designated Structures.

**Item 1: (Item not listed in the original title)**

**ACTION:**

Item deferred to the April Land Use meeting. **Jorge Gomez to place on the agenda. Fred Beckmann to handle.**

**Item 4 2:**

**ACTION:**

The Committee reviewed articles regarding various municipalities' responses to the issue of mobile storage units, and a draft of a proposed ordinance which would limit the time a mobile storage unit could be placed in single family areas. After discussion, the committee directed Planning Department staff to continue to refine the ordinance, with a seven (7) day time limit, the requirement for the storage unit company to notify the City of placement of the pods, requiring the seven day time limit to be shown in the contract with the customer, and a requirement to remove the unit in case of a hurricane watch. Revised ordinance to be referred to Planning Board.

**Item 2 3:**

**ACTION:**

On March 28, 2005, the Land Use and Development Committee endorsed the proposed Ordinance pertaining to "Demolition Procedures for Non-Designated Structures", with the following modifications:

In the event the Historic Preservation Board is requested to instruct the Planning Department to prepare a designation report and/or implement interim procedures for demolition permits, the property owner shall be immediately notified in writing.

The planning director, or designee, may prepare and submit to the Historic Preservation Board an evaluation and recommendation for designation at a meeting noticed in a newspaper of general circulation at least five (5) days in advance of the hearing.

The City Commission shall be advised, via an LTC, of any action of the Historic Preservation Board directing the Planning Department to prepare a designation report. A copy of the proposed initial boundaries, as well as the preliminary evaluation, shall be attached to the LTC.

The City Commission may, by a 5/7 vote, either modify or deny a request for designation, within 60 days from the date of the vote of the Historic Preservation Board instructing staff to prepare a designation report.

These interim procedures shall not be applicable to the individual designation of single-family homes located in single-family zoning districts. **See Agenda Item R5E.**

C6D Report Of The General Obligation Bond Oversight Committee Meeting Of April 4, 2005: **1)** Contingency Report; **2)** Discussion Item: A) Discussion On Sub-Committee For Public Outreach; **3)** Project Status Report: A) Fire Station No. 2; B) Fire Station No. 4; C) Normandy Isle Park And Pool; D) Dade Boulevard Conditions; E) Alton Road And Chase Avenue; And **4)** Informational Items: A) Updated Calendar Of Scheduled Community Meetings; B) Committee Appointments.

**Item 1:**

**ACTION:**

The Administration informed the Committee that no new change orders had been approved since the last meeting. A list of the change orders approved to date is attached as "Exhibit A".

**Item 2:**

The Committee accepted the Administration's recommendation to appoint a sub-committee to further define the expanded role the Committee will play in the Community Information and Outreach efforts of the Administration.

**Item 3A:**

**ACTION:**

The Administration informed the Committee that the **Fire Station No. 2** project is moving along as planned. Structural components are under construction, and the temporary parking lot for the Fire Fighters and Public Works staff was nearing completion.

**Item 3B:**

**ACTION:**

The Committee was told that the construction of the seawall portion of the **Fire Station No. 4** project was nearing completion. The foundation of the new Fire Station building was under construction.

**Item 3C:**

**ACTION:**

With regard to the **Normandy Isle Park and Pool** project, the Administration informed the Committee that all documentation for the pool portion had been provided to the Surety as well as a possible replacement contractor for pricing and evaluation. The Surety had stated that they would be issuing an Invitation to Bid to find a replacement contractor. The Surety is responsible for completing the scope of work included in the former contractor's Construction Contract, as amended through change orders, at the price agreed upon with the former contractor, and the Surety has committed to completing the project. The park portion of the project was being priced, and work should begin shortly.

**Item 3D:**

**ACTION:**

Pursuant to the Committee's request, the Administration provided the Committee with an update on the conditions of **the Dade Boulevard bridge**. This bridge is part of Miami-Dade County's purview. The existing conditions, such as the holes in the sidewalk, have been reported to the County for repairs. If repairs are not made by the County in a reasonable timeframe, the City will make the repairs and seek reimbursement from the County.

**Item 3E:**

**ACTION:**

The Administration reported that the **Alton Road and Chase Avenue Improvements** were complete. The signage had been placed with regard to turning restrictions.

**Item 4:**

**ACTION:**

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

The Committee was advised of which members represented which of the 13 positions on the Committee, and where there were vacancies.

- C6E Report Of The Land Use And Development Committee Meeting Of April 11, 2005: **1)** Discussion Regarding Jacksonville Barrier Removal Ordinance; **2)** Discussion Regarding The Galeria Condominium's Request To Amend City Code Section 142-1134 Regarding Tennis Court And Light Restrictions Between 8:00 P.M. And 8:00 A.M.; And **3)** Discussion Regarding Proposed Ordinance Regarding Revisions To The Single Family Development Regulations Section Of The City Code Pertaining To New Construction Requirements For Architecturally Significant Homes.

**Item 1:**

**ACTION:**

Fred Beckmann presented an overview of the subject. The Committee decided to create a pilot project to try out the outreach program to encourage businesses into compliance with the ADA Title III accessibility federal regulations. The Barrier Free Environment Committee should discuss this and help to identify the sites targeted for voluntary compliance. The Committee also decided the pilot project results be reported back to the Committee in four (4) months. **Fred Beckmann to handle.**

**Item 2:**

**ACTION:**

The Committee instructed the Administration through the Code Compliance and Planning Departments to facilitate a meeting between the Castle Beach Management Association and the Galeria Condominium to work out the issues relating to the tennis courts. If these discussions do not resolve the issues, an Ordinance affecting the height of light poles should be brought back to the Committee for its consideration. **Vivian Guzman to handle.**

**Item 3:**

**ACTION:**

**Motion:** Land Use and Development Committee recommends to the full Commission that the proposed ordinance not be adopted. Gross/Bower 3-0

City Clerk's note: Vice-Mayor Garcia is on the Committee.

**9:44:05 a.m.**

- C6F Report Of The Neighborhood/Community Affairs Committee Meeting Of March 29, 2005: **1)** Discussion Regarding A Bicycle Taxi Business Proposed By Easy Riders; **2)** Discussion Regarding An Ordinance Relating To Watercraft; Amending Chapter 66 By Enacting A New Section 66-8 Regulating The Mooring And Anchoring Of Watercraft Within The Boundaries Of The City; Prohibiting Anchoring Or Mooring For Nonnavigational Purposes; Defining Nonnavigational Purposes; Establishing A Penalty For Violation; Providing For Repealer Of All Conflicting Ordinances, Rules And Regulations; Providing For Codification And A Severance Clause; And Setting An Effective Date; **3)** Discussion Regarding On-Street Parking/Espanola Way (And Cul-De-Sac); **4)** Discussion Regarding The Scheduling Of Commission Meeting Dates; And **5)** Review And Discussion Of The Changes Proposed By The Miami Beach Jewish Community Center, Inc. (JCC) To Their Originally Approved Concept Plan, As Reflected In The Preliminary Plans And Specifications Submitted To The City On February 8, 2005, For The City's Proprietary Review And Consideration, Related To The City-Owned Property That Is Leased To The JCC And Located At 4221-29 Pine Tree Drive, Miami

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Beach, Florida.

**ACTION: Item #1 separated for discussion by Jorge Gonzalez, City Manager.**

**Item 1:**

**ACTION:**

The Committee moved to bring the item to the next meeting of the full City Commission for discussion and directed staff to come prepared with the questions raised including:

- Language that gives the city the ability to stop anytime during any pilot program.
- Control of advertising on vehicles.
- Drop-off and pick-up areas.
- Control of the volume of vehicles during pilot program.

**City Commission Action on Item 1:**

Final motion: Motion made by Commissioner Steinberg to direct the Administration to work with the Transportation and Parking Committee and come back with an ordinance and regulations for a pilot program and to include in the pilot program a provision that gives the Administration the ability to suspend the program and bring it back to the Commission for revocation or reinstatement. The Administration was given direction to seek a competitive process; seconded by Commissioner Bower. Voice vote: 5-2; Opposed: Commissioners Gross and Smith. **Saul Frances to place on the committee agenda. Saul Frances and Chief De Lucca to handle.**

Jorge Gonzalez, City Manager and Saul Frances, Parking Director introduced the item and gave an overview.

Roberto Datorre, Assistant City Attorney, explained the need to create an ordinance if it is decided to do a pilot program which will address the licensing, regulations, insurance, etc. for these types of vehicles. There are also ways to limit the number of licenses however there are legal concerns with using a lottery system. There is also a concern with controlling the number of vehicles during the pilot program. The City will also have to have a procedure to revoke any pilot program license(s) which may have been issued and also repeal the ordinance which provides for the license if it is determined that it is not in the best interest of the City to allow these vehicles on the roadway. The main concern is public safety.

Motion made by Commissioner Gross to follow the recommendation of the Administration and the Transportation and Parking Committee not to proceed with the pilot program; seconded by Commissioner Smith. Discussion continued.

Felipe Azhena, Easy Riders Bike Taxi, explained the program and asked for a trial period of one year for twenty (20) bicycles. The City can place language in the contract to stop the pilot program and stated that this is a risk he is willing to take. He also stated that he is making a considerable investment in the pilot project but it is a risk he is willing to take.

Commissioner Cruz stated that there has been an influx of taxicabs and they are intrusive. They run stop signs, stop in the middle of the road, honk the horn and are disruptive to the quality of life. He stated that the Commission should find a way to regulate the taxi industry.

Commissioner Smith asked for specific information about the proposal.

Felipe Azhena stated that he plans on starting in November 2005. The hours of operation will be from approximately 6:00 p.m. until 2:00 or 3:00 a.m. on weekdays and weekends until around 5:00 a.m. There will be twenty (20) pedicabs. By Florida Law the pedicabs are considered vehicles and must abide by the rules of a motor vehicle. He stated that he doesn't want to travel on sidewalks on

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Lincoln Road, and wants to stay off of all major roads including Alton, 5<sup>th</sup> Street and Dade Blvd.

Commissioner Cruz stated that if the request is for a pilot program, does there need to be a selection process?

Roberto Datorre, Assistant City Attorney, stated that because there are other vendors there will need to be a selection process for the pilot program. An ordinance will also need to be adopted which will regulate insurance, where they can ramp, storage of the vehicles, advertising, etc. Police, Licensing, and Code Compliance will all need procedures.

Vice-Mayor Garcia stated that he likes this idea and added that scooters are a big problem. He asked if there are rescue reports dealing with scooter accidents. **Chief Jordan to handle.**

Commissioner Smith stated that the Commission should address Commissioner Cruz's concerns regarding taxicabs. He stated that taxicabs are very aggressive and drive recklessly, they routinely run stop signs and traffic lights, and they are rude. This is an area where enforcement needs to be addressed.

Jorge Gonzalez, City Manager, stated that the taxicab industry is regulated by Miami-Dade County.

Saul Frances, Parking Department Director, stated that the County has deputized the City of Miami Beach Police and the Parking Enforcement Specialists to enforce the County's regulations.

Chief De Lucca stated that the Police Department does strict enforcement on taxicabs and work very hard to ensure they are in compliance.

Commission Cruz stated that his mission is better control over the taxicabs.

Commissioner Steinberg stated that if the Commission wants to go forward with a pilot program it needs to be referred to the Transportation and Parking Committee with direction to develop regulations and an ordinance that will regulate the industry.

Motion made by Commissioner Gross to accept the recommendation of the Administration and the Transportation and Parking Committee not to proceed with the pilot program; seconded by Commissioner Smith; Ballot vote: 3-4; Opposed: Vice-Mayor Garcia, Commissioners Bower, Cruz and Steinberg. Motion failed.

Motion made by Commissioner Steinberg to direct the Administration to go to the Transportation and Parking Committee and come back with an ordinance and regulations for a pedicab pilot program and to include in the pilot program a provision that gives the Administration the ability to suspend the program and bring it back to the Commission for revocation or reinstatement. The Administration was given direction to seek a competitive process; seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Commissioners Gross and Smith. **Saul Frances to place on the committee agenda. Saul Frances and Chief De Lucca to handle.**

Jorge Gonzalez, City Manager, asked the Commission if there is any desire to include rickshaws.

Carlos Escobar spoke regarding rickshaws.

The City Commission indicated that at this time there is no interest in rickshaws.

#### Handout or Reference Materials

##### 1. Ballot C6F (1)

**Item 2:****ACTION:**

The Committee moved to direct Legal staff to work with Commissioner Jose Smith on an ordinance to bring back on first reading at the next meeting of the full City Commission and to include the enforcement issues and public mooring. **See Agenda Item R5G.**

**Item 3:****ACTION:**

The Committee moved to pass the recommendation and bring it to the next meeting of the full City Commission (Consent Agenda). **Saul Frances to handle.**

**Item 4:****ACTION:**

The Committee moved to accept the dates as recommended. **See Agenda items R7H and RDA 3A.**

**Item 5:**

The Committee moved to approve this item and bring to the full City Commission meeting for discussion. **See Agenda items R7K.**

**C7 – Resolutions**

- C7A A Resolution Appropriating \$80,912 From The Series 2000 Water And Sewer Bond Interest Funds For The 25th Street Water Tanks Project As Part Of The Original Project Allocation.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2005-25852** adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

- C7B A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager's Designee, Who Shall Be The Property Management Director, A Licensed General Contractor, To Select, Negotiate, And Award All Contracts, Agreements, Purchase Orders, And Change Orders For The Purchase Of All Necessary Goods And Services (Construction And Professional) Relative To All The FY 05 Capital Renewal And Replacement Fund Projects Providing That All Documents Be Reviewed By The Appropriate Members Of The Administration, City Attorney's Office, And Contains Minimum Terms And Conditions As Set Forth In This Resolution; And Further Authorizing The Mayor And City Clerk To Execute Any And All Agreements Relative To The Aforestated Projects.  
(Public Works)

**ACTION: Resolution No. 2005-25857** adopted. Fred Beckmann to handle.

- C7C A Resolution Setting A Public Hearing To Waive The Development Regulations Pursuant To Section 142-425 (D) Of The City Code For The Proposed Surface Parking Lot At 137 Washington Avenue.  
(Capital Improvements Office)

**ACTION: Resolution No. 2005-25858** adopted. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Chartrand to handle.

**City Clerk's Note: At Least 15-day notice.**

- C7D A Resolution Authorizing The Donation Of Three (3) Ford Crown Victoria Police Pursuit Vehicles In "As Is" Condition To The Miami-Dade College School Of Justice.  
(Fleet Management)

**ACTION: Resolution No. 2005-25859 adopted.** Drew Terpak to handle.

- C7E A Resolution Authorizing The City Manager Or His Designee To Submit Applications For Grant Funds To The Following Agencies: **1)** The Children's Trust, FY 2005/06 Promotion And Prevention Program For Funding, In An Amount Not To Exceed \$200,000 For The City's Year Round Programs; **2)** Federal Emergency Management Agency (FEMA), FY 05/06 Hazard Mitigation Funding Program, For Funding, In An Amount Not To Exceed \$18,000,000 For Hazard Mitigation Activities; **3)** US Department Of Homeland Security Office Of Domestic Preparedness For The 2005 Assistance To Firefighters Grant Program In An Amount Not To Exceed \$150,000; **4)** US Department Of State, Cultural Facilities Grant Program For Funding In An Amount Not To Exceed \$500,000 For The Colony Theater Renovation Project; **5)** Miami-Dade County Homeless Trust For Funding In An Amount Not To Exceed \$100,000 For The City's Supportive Housing Program; And, **6)** State Of Florida, Department Of Historic Preservation In An Amount Not To Exceed \$25,000 For The Designation Of The MIMO District; And **7)** Executing A Memorandum Of Understanding Between The City Of Miami Beach And Miami-Dade County For Funding From The US Office Of Domestic Preparedness State Homeland Security Grant Program FY 2004/5 For The Purpose Of Making The Miami-Dade County Terrorism Response Plan Operational; And Approving Further Appropriating The Grants If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.  
(Grants Management)

**ACTION: Resolution No. 2005-25860 adopted.** Patricia Walker to appropriate the grants if awarded. Judy Hoanshelt to handle.

- C7F A Resolution Recommending The Appointments Of Three (3) To The Private Sector Business Seat To The South Florida Workforce Board Of The South Florida Employment And Training Consortium.  
(Human Resources)

**ACTION: Resolution No. 2005-25861 adopted.** Mayra Buttacavoli to handle.

City Clerk's note: Orlando Alvarez, Frank Pintado, and Donna M. Duplantis for a two-year term

- C7G A Resolution Authorizing The Administration To Issue A Request For Proposal For The Purpose Of Obtaining (1) Physical Examinations On Hires And On Promotions For Classifications Where Physical Duties Vary Greatly; (2) Drug Tests On Hires To Maintain A Drug-Free Work Environment; (3) Return To Work Clearance Evaluations; (4) Rehabilitation Evaluations; (5) Administration Of An Employee Assistance Program; (6) Retention Of All Medical Records; (7) Evaluation Of Applicants And Employees, As Required By The City; (8) Administration Of Vaccines For City Employees, As Needed; (9) Designation As The City Physician; (10) Conduct Random Drug And Alcohol Testing Based On The Florida Department Of Transportation Standards And Union Contracts; And (11) Other Medical Services, As May Be Necessary And/Or Required By The City And Local, State And Federal Laws.  
(Human Resources)

**ACTION: Resolution No. 2005-25862 adopted.** Gus Lopez to issue RFP. Mayra Buttacavoli to handle.

- C7H A Resolution Establishing April 2005 As "Fair Housing Month" In The City Of Miami Beach.  
(Neighborhood Services)

**ACTION: Resolution No. 2005-25863 adopted.**

- C7I A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Home Investment Partnerships (Home) Program Agreement With The Miami Beach Community Development Corporation (MBCDC) Providing \$298,218 Of Home Program Funds From Fiscal Year 2003/04 For The Rehabilitation Of The Westchester Apartments, Located At 516 15th Street, Miami Beach, To Provide 24 Rental Units For Income-Eligible Participants In Accordance With The Home Program Requirements; Further, Approving A One-Time Only Assignment Of This Agreement From MBCDC To MBCDC: Westchester Apartments, LLC, A Not-For-Profit Entity Created By MBCDC As A Successor In Interest In Title To The Westchester Apartments Property, Located At 516 15th Street, And Under This Agreement.  
(Neighborhood Services)

**ACTION: Resolution No. 2005-25864 adopted.** Vivian Guzman to handle.

- C7J A Resolution Setting A Preliminary Public Hearing For May 2005, Pursuant To Code Section 118-705(b)(1), "Procedures For The Adoption Of Specific NCD Overlay Districts," In Order To Consider The Merits Of The Proposed Gilbert M. Fein Neighborhood Conservation District.  
(Planning Department)

**ACTION: Resolution No. 2005-25865 adopted.** R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

#### Handout or Reference Materials

1. Interoffice Memorandum from Jorge Gomez, Planning Director, to the Historic Preservation Board, dated February 8, 2005, RE: Gilbert M. Fein Neighborhood – Historic Preservation Board Community Workshop and Findings December 6, 2004
2. Document titled: Proposed Gilbert M. Fein Neighborhood Conservation District - Draft Designation Report, District Ordinance, Streetscape Improvement Plan dated 2005

**10:27:26 a.m.**

#### **Supplemental Materials (Resolution):**

- C7K A Resolution Approving The Issuance Of A Purchase Order To DGG Taser, Inc., The Sole Source Distributor Of The X-26 And M-26 Tasers, For The Purchase Of X-26 Tasers, Air Cartridges And Holsters For Use By The Police Department In The Estimated Amount Of \$55,000.  
(Police Department)

**ACTION: Item separated for discussion by Commissioner Cruz.**

**Resolution No. 2005-25866** adopted. Motion made by Commissioner Cruz; seconded by Commissioner Smith; Voice-vote: 7-0. Gus Lopez to issue Purchase Order. Chief De Lucca to handle.

Commissioner Cruz stated that Miami Beach has had tasers for the past two years and has not had any of the problems other governmental agencies have had. He stated that Miami Beach has had excellent training, and has a good program. He commended Chief De Lucca for having such an exemplary record in educating staff on the taser program.



Jorge Gonzalez, City Manager, thanked Commissioner Cruz, and stated that Miami Beach has not experienced the problems other municipalities have experienced and that tasers are a very useful tool for the police officers. He also stated that there is a formal policy in place on the use of the tasers and usage is monitored.

- C7L A Resolution Authorizing The Appropriation Of \$110,000 In Concurrency Mitigation Funds For Traffic Calming Purposes, Including The Purchase Of Two (2) Nu-Metrics Speed And Volume Counters And Related Software, At Approximately \$5,000; Develop Traffic Calming Plans And Manual For Miami Beach At A Cost Not To Exceed \$25,000; And Purchase Materials To Implement Solutions Recommended For The Pilot Areas, At Approximately \$80,000.  
(Public Works)

**ACTION: Resolution No. 2005-25867** adopted. Patricia Walker to appropriate funds. Fred Beckmann to handle.

**10:30:15 a.m.**

- C7M A Resolution Approving Amendment Five To EDAW's Agreement With The City For The Planning And Design Of The Flamingo Neighborhood Right Of Way Improvement Project To Provide For Additional Professional Services In The Amount Of \$556,214 Required To Implement The Project Including Additional Water Main Replacement, Utility Verification, Extended Planning Phase, And Encroachment Analysis Services, And Further Appropriating Funding For This Purpose As Follows: \$121,405 In Series 2000 Water And Sewer Bond Design/Management Contingency Funds; \$121,404 In Series 2000 Stormwater Bond Design/Management Contingency Funds; \$128,309 In Series 2000 Water And Sewer Bond Funds; \$4,725 In Series 2000 Stormwater Bond Funds; And \$7,999 In 1999 G.O. Bond Funds.

(Capital Improvement Projects)

**ACTION: Item separated for discussion by Commissioner Gross. He stated that it is a good idea to communicate to the public what is happening in the CIP process.**

**Resolution No. 2005-25868** adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice-vote: 7-0. Jorge Chartrand to handle.

Jorge Chartrand, CIP Acting Director, gave an overview of the item.

Jorge Gonzalez, City Manager, stated that he believes the City did a good job in negotiating a lot of the soft costs, perhaps too good a job initially. The soft costs are still within the 8% range and if this were to be bid out today the soft cost would be 14% or 15% because of the market.

Commissioner Bower stated that this is a very good discussion and it's good to inform the public. She asked what is being done to plan for the money shortfall.

Jorge Gonzalez, City Manager, stated that this issue will be addressed at the Finance and Citywide Projects Committee; however, the Administration is looking at the allocated money, monies that can be moved based on the work because it is a system, not a neighborhood; the rate capacity to see if there is bonding capacity and interest earning.

Commissioner Bower stated that the above information should be made available to the public.

### **End of Consent Agenda**

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**REGULAR AGENDA****R5 - Ordinances****11:09:26 a.m.**

R5A An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Following Parcel, More Particularly Described In The Legal Description Attached As Exhibit "A", With A Physical Address Of 2620 Biarritz Drive, Miami Beach, Florida, From The Current GU, "Government Use," To The Proposed Zoning Classification RS-3, "Residential Single-Family Zoning District," Providing For Codification, Repealer, Severability And An Effective Date. **10:30 a.m. First & Only Reading, Public Hearing**

(Asset Management)

**ACTION:** Public Hearing held. **Ordinance No. 2005-3480 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Ballot vote: 7-0. Jorge Gomez and Joe Damien to handle. R. Parcher to transmit to Municipal Code Corporation.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**11:44:26 a.m.**

R5B Nonconforming Structures

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX, "Nonconformances," By Amending Section 118-395 To Clarify And Update Certain Terms And Descriptions, And To Provide More Defined Parameters For What Constitutes A Nonconforming Structure; By Amending Section 118-398 To Clarify And Update Certain Terms And Descriptions; By Amending Section 118-399 To Clarify And Update Certain Terms And Descriptions; By Amending Chapter 130, "Off Street Parking", Article VI, "Parking Credit System" By Amending Section 130-161, To Establish Revised Standards For Non-Conforming Structures; Providing For Repealer, Codification, Severability And An Effective Date. **10:45 a.m. Second Reading, Public Hearing**

(Planning Department)

(Continued from February 23, 2005)

**ACTION: Public Hearing opened and continued without objection to June 8, 2005 at 10:45 a.m.** Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

**5:29:56 p.m.**

R5C An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD)" By Designating The Flamingo Waterway Historic District, Consisting Of A Certain Area Which Is Generally Bounded By The Center Line Of West 47th Street To The South, The Eastern Right-Of-Way Line Of Pine Tree Drive To The East, The Northern Lot Line Of 4816 Pine Tree Drive To The North, The Western Lot Line Of 353 West 47th Street To The West, And The Eastern Bulkhead Lines Of The Flamingo Waterway And Lake Surprise To The Northwest, As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The Flamingo Waterway Historic District; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **5:05 p.m. First & Only Reading, Public Hearing**

(Planning Department)

**ACTION:** Public Hearing held. **Ordinance No. 2005-3481 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Ballot vote: 7-0. Jorge Gomez to handle. R. Parcher to transmit to Municipal Code Corp.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

City Clerk's Note: The Historic Designation Report is included with this item.

**2:52:27 p.m.**

R5D An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142 "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," By Creating Division 6 "Housing For Low And/Or Moderate Income Elderly," Creating Section 142-1181, "Purpose," Section 142-1182 "Definitions," Section 142-1183, "Unit Size," And Section 142-1184 "Mandatory Criteria," Amending Division 3, "Residential Multifamily Districts," Subdivision II "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," Subdivision V, "RM-3 Residential Multifamily, High Intensity," Division 4 "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," And Division 18, "PS Performance Standard District," By Including References To Division 6, "Housing For Low And/Or Moderate Income Elderly"; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Planning Department)

**ACTION:** Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg with amending language; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for May 18, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

Section 142-1184 (5) "...income elderly during the covenant period or thereafter, the ...."

Jorge Gomez, Planning Director, suggested that on Pg 270, Sec. 5, language be changed, dealing with the issue of the income elderly to add **"income elderly...during the covenant period or thereafter."**

Commissioner Steinberg accepted the amended language.

Commissioner Smith asked about the statement "rehabilitating buildings 550 square feet", and asked

if that meant that every unit has to be an average of 550 square feet or can it exceed the 550 square feet.

Jorge Gomez, Planning Director, stated that this is the minimum average.

Commissioner Smith stated that he has a problem with the minimum average. If the minimum average exceeds 550 square feet than someone could challenge it and try to reduce the average to 550 square feet.

Jorge Gomez, Planning Director, stated that if this is a concern, it needs to be changed across-the-board. He stated that he will research a clean-up ordinance. **Jorge Gomez to handle.**

Vice-Mayor Garcia asked about public participation and community involvement. He also asked how long the waiting list for parking is at Rebecca Towers. **Jorge Gomez to handle.**

Jorge Gomez, Planning Director, stated that there have been hearings at the Miami Beach Housing Authority. Also a duly noticed meeting was held for the City Commission meeting and this item today was duly noticed.

#### **2:53:57 p.m.**

##### **New Item**

Murray Dubbin, City Attorney, announced that the Executive Session of April 20, 2005 which was called earlier came to a close at the estimated time and is now convened as the City Commission.

#### **9:00:00 p.m.**

##### **R5E Demolition Procedures For Non-Designated Structures**

An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-591, By Amending The Procedures For Instructions To The Planning Department For Designation Of Historic Structures And The Issuance Of Demolition Permits; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**  
(Planning Department)

**ACTION:** Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Vice-Mayor Garcia. Second Reading and Public Hearing scheduled for May 18, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

City Clerk's note: During the roll call Commissioner Gross was noted as being absent. He verbally told the City Clerk to change him from being absent to voting in favor of the ordinance.

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**11:10:36 a.m.**

R5F An Ordinance Repealing Miami Beach City Code Chapter 74, Article III Thereof Entitled "Peddlers And Solicitors"; Providing For Repealer, Severability, Codification And Effective Date. **First Reading.**  
(Requested by Commissioner Matti Herrera Bower)

**ACTION: Ordinance not approved.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 2-5; Opposed: Mayor Dermer, Vice-Mayor Garcia, and Commissioners Cruz, Gross and Steinberg.

Sheri Sacks, City's Specialist on Constitutional issues, introduced the item.

Ray Martinez, Assistant Chief of Police, spoke.

Motion made by Commissioner Steinberg to deny the repeal; seconded by Vice-Mayor Garcia. After discussion it was determined that it would be best to vote on the ordinance before the Commission. Commissioner Steinberg withdrew his motion.

**4:09:27 p.m.**

R5G An Ordinance Relating To Watercraft; Amending Chapter 66 By Enacting A New Section 66-8 Regulating The Anchoring And Mooring Of Watercraft Within The Boundaries Of The City; Regulating Anchoring Or Mooring For Nonnavigational, Live-Aboard, And Other Purposes; Defining Nonnavigational Purposes And Exceptions, And Live-Aboard; Establishing A Penalty For Violation; Providing For Repealer Of All Conflicting Ordinances, Rules And Regulations; Providing For Codification And A Severance Clause; And Setting An Effective Date. **First Reading.**  
(Requested by Commissioner Jose Smith)

**ACTION:** Ordinance approved on First Reading and referred to the Finance and Citywide Projects Committee between first and second reading. Motion made by Commissioner Smith to approve the ordinance on first reading and refer to the Finance and Citywide Projects Committee; seconded by Vice-Mayor Garcia; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for May 18, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to place on the committee agenda. **Robert Middaugh to handle.**

Commissioner Smith stated that he worked with Gary Held, First Assistant City Attorney, to develop an ordinance which meets some of the concerns that have been raised with other ordinances and other municipalities. He stated that he believes this ordinance is workable and viable. He stated that there are some issues with funding the towing elements of the ordinance and that it was not his intent to tow vessels. He stated that his original idea was to fine vessels that are in violation and perhaps lien them. Between first and second reading some of the funding issues need to be looked at.

Gary Held, First Assistant City Attorney, gave an overview of the ordinance.

Robert Middaugh, Assistant City Manager, spoke.

Vice-Mayor Garcia asked if the City is considering using the County or the Florida Marine Patrol to assist in enforcing the ordinance if it passes.

Ray Martinez, Assistant Police Chief, stated that if the ordinance is adopted the Police Department can explore using the County or the Florida Marine Patrol to assist with enforcement. He added that State law enforcement does not have the authority to enforce local ordinances. He added that he was not certain if County law enforcement can enforce local ordinances.

Ronald Krongold spoke.

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Nancy Liebman spoke.  
Bonnie Patchen spoke.  
Tim Rose spoke.  
Matthew Leibowitz spoke.  
Raymond Adams spoke.  
Harvard Gross spoke.  
Jerry Sokol spoke.  
Richard Blackford spoke.  
Erika Brigham spoke.  
Bob Everhard spoke.  
Tom Forbes spoke.  
John Turchen spoke.  
Mark Gold spoke.  
Alex Annunziato spoke.  
Carlos Cuorda spoke.  
Morris Sunshine spoke.

Commissioner Cruz suggested adding a special provision to accommodate the Boat Show.

Gary Held suggested language to state that the 72 hours be cumulative.

Commissioner Bower speaking about the weather stated that if there is a weather situation at the destination how would this be handled.

Gary Held, First Assistant City Attorney, stated that the present ordinance addresses dangerous weather conditions on Miami Beach. The ordinance will need to be modified to cover dangerous weather at the destination. He stated that the language will be clarified between first and second reading. **Legal Department to handle.**

Commissioner Steinberg encouraged the Administration to find a designated anchor or mooring area in the City. He stated that he suggested one area which is on the western side of the channel, across from Sunset Harbor, near Pelican Island.

Commissioner Bower stated that every boat should be noticed to let them know when the second reading of the ordinance will be held. The notice should also indicate how much time the owner has to remove the boat. Chief De Lucca to handle.

Sergeant Grandage, Police Marine Patrol, spoke.

#### Handout or Reference Materials

1. Six (6) color photo's of boats anchored or moored
2. Email from Charles E. Kanter AMS
3. Speakers List and a business card from Bob Everhard, General Manager, Florida Yacht Charters & Sales, Inc

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**Addendum Item:****10:47:45 a.m.**

R5H An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sex Offenders" And Creating Section 70-400, Entitled "Sex Offender Residency Prohibition," Providing For A Prohibition From Sex Offenders Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**

(Requested by Mayor David Dermer)

**ACTION:** Ordinance approved on First Reading. Motion made by Vice-Mayor Garcia to approve the ordinance on first reading and refer to the Neighborhoods/Community Affairs Committee between first and second reading; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for May 18, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Vivian Guzman to place on the committee agenda. Legal Department to handle.

Mayor Dermer introduced the item.

Vice-Mayor Garcia complimented Mayor Dermer for bringing this issue to the City Commission and asked if he would contemplate extending it to halfway houses.

Mayor Dermer stated that he would prefer not to broaden the ordinance at this time.

Roberto Datorre, Assistant City Attorney, spoke.

Commissioner Smith raised the issue of ex post facto and this will be discussed at committee.

Commission Bower asked how a landlord will know if the renter is a convicted sex offender.

Commissioner Smith stated that the City Commission may have to place additional responsibility on the landlord to check the registry. This ordinance doesn't add this responsibility, but it's something that should be discussed in committee.

Officer Robert Hundevadt, Police Sergeant, spoke.

Commissioner Cruz commended Mayor Dermer for this ordinance.

**Handout or Reference Material**

1. Color Map titled 1000 feet distance from Parks and Schools

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**R7 - Resolutions**

- R7A A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of Roger J. Schindler And Leslie Schindler, Owners Of The Adjacent Property, Located At 5860 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing.**

(Public Works)

(Continued from February 23, 2005)

**(Item Withdrawn at Applicants Request)**

**ACTION: Item withdrawn at the request of the applicant.**

City Clerk' Note: Letter from Mr. Schindler to Mr. Beckmann, dated April 4, 2005, is included in the Agenda

- R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 56th Street Street-End, West Of North Bay Road, In Favor Of Mary Elizabeth Donnelly, Owner Of The Adjacent Residential Property, Located At 5480 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing.**

(Public Works)

(Continued from February 23, 2005)

**(Item Withdrawn at Applicants Request)**

**ACTION: Item withdrawn at the request of the applicant.**

City Clerk' Note: Letter from Ms. Donnelly to Mr. Halfhill, dated April 4, 2005, is included in the Agenda



**11:45:36 a.m.**

R7C A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of An Alley Adjacent To Lots 2 Through 7 Of The Amended Plat Of Aquarium Site Resubdivision, Containing Approximately 4,200 Square Feet In Favor Of The Applicant(And Developer Of The Vitri Project), 535 West Avenue, LLC, And Approving And Accepting The Dedication By 535 West Avenue LLC, Of Portions Of Lots 8, 9, 10 And 13 Of Same Subdivision, Containing Approximately 4,200 Square Feet, For Perpetual Use As A Public Alley; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; Provided Further That The City's Approval Of The Aforestated Vacation And Acceptance Is Subject To And Contingent Upon 535 West Avenue, LLC's Satisfaction Of The Conditions Set Forth In This Resolution; Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation And Acceptance Of Dedication, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office; And Accepting A \$125,000 Voluntary Contribution To The City's Capital Improvement Program.. **11:15 a.m. Public Hearing.**

(Public Works)

**ACTION:** Public Hearing held. **Resolution No. 2005-25869 adopted as amended.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Fred Beckmann to handle.

Amendment:

- 1) Change Estefan Enterprises, Inc. to Mau Mau Corporation.
- 2) In Now Therefore add the following: ...both subject to a right of reverter that can be executed if a full building permit is not issued for the Project within three (3) years of the dedication of the Developer's Property to the City.

Lucia Dougherty, along with Alfredo Gonzalez, showed diagrams of the existing alley.

Raul Aguila, First City Attorney, spoke.

Commissioner Gross stated that it would be good to have a stronger pedestrian connection across 5<sup>th</sup> Street at Alton or West Avenue.

Fred Beckmann, Public Works Director, stated that it will be very difficult to put a pedestrian crossing at this intersection. Public Works will review to see if anything can be done. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, suggested looking into the east side of Alton.

Ricardo Dopico, representing Estefan Enterprises, Inc., spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Memorandum from Jorge Gomez, Planning Director, dated April 11, 2005, RE: Planning Analysis Pursuant to Section 82-38

**12:01:17 p.m.**

**New Item**

Fred Beckmann introduced Fernando Vasquez as the City's new City Engineer.

Fernando Vasquez spoke.

R7D A Resolution Following A Duly Noticed Public Hearing, Approving On First Reading, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The "Florida Local Government Development Agreement Act," A First Addendum To The Development Agreement Between The City Of Miami Beach And The New World Symphony, Dated January 5, 2004, For The Development Of A Portion Of The Surface Parking Lot, Bounded By 17th Street To The North, North Lincoln Lane To The South, Washington Avenue To The East And Pennsylvania Avenue To The West, For Construction Of An Approximately 50,000 Square Foot Educational, Performance And Internet Broadcast Facility With An Exterior Screen ("Soundspace"), And An Approximately 320-Space (+/-) Public Parking Garage Facility; Said Addendum Specifically Amending The Development Agreement, And Authorizing The Developer To Proceed With The Design And Development Of The Park Project Compromising Of: Zone 1, Comprising The Park And Drexel Avenue Between North Lincoln Lane And 17th Street, At The City's Cost And Expense, Not To Exceed \$10,000,000; Zone 2, Comprising The Jackie Gleason Theater Of The Performing Arts (TOPA) Entry Landscaping At The City's Cost And Expense, Not To Exceed \$1,150,000; And Zone 3, Comprising North Lincoln Lane Improvements, At The City's Cost And Expense, Not To Exceed \$500,000; And Further Setting The Second Public Hearing. ~~On January 12, 2005.~~ **5:00 p.m. Public Hearing.**

(Economic Development)  
(Continued from February 23, 2005)

**ACTION: Item withdrawn.** Pursuant to the request of the New World Symphony (NWS), the Administration recommends withdrawing the proposed amendment of the Development Agreement until such time that the NWS is prepared to proceed. The Administration is to make sure that reporting deadlines are kept. Tim Hemstreet to handle.

**5:28:27 p.m.**

R7E A Resolution Following A Duly Noticed Public Hearing, Creating Restricted Residential Parking Permit Zone 14/Belle Isle With Boundaries As Follows: On The South, The Southerlyline Of Island Avenue; On The East, The Easterlyline Of Island Avenue; On The North, The Northerlyline Of Island Avenue; And On The West, The Westerly Line Of Island Avenue; And Further Amending Residential Parking Zones One (South Pointe); Two (Flamingo Park); Three (Michigan Avenue); Four (Cultural District); Eleven (Lake Pancoast); And Twelve (Upper West Avenue), Respectively, By Amending The Hours Of Operation Of Said Zones From "Monday To Friday, 6:00 P.M. To 7:00 A.M.", To "Sunday To Friday, 6:00 P.M. To 7:00 A.M." **5:01 p.m. Public Hearing**  
(Parking Department)

**ACTION:** Public Hearing held. **Resolution No. 2005-25870 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 4-0; Absent: Vice-Mayor Garcia, and Commissioners Cruz and Gross. Saul Frances to handle.

Handout or Reference Materials:

1. Copies of the Belle Isle notices sent by the Parking Department for the various meetings regarding the proposed Belle Isle Residential Parking Program

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**7:06:44 p.m.**

R7F A Resolution In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The "Florida Local Government Development Agreement Act," Approving, On First Reading, A Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC (A/K/A Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton," Containing Approximately 179,000 Square Feet Of Retail Area; A Supermarket; An Approximately 1081 Space Parking Garage; Park-And-Ride Transit Facility, Including An Intermodal/Transportation Component; And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On The East, Alton Road On The West, 6th Street On The North And 5th Street On The South, In Miami Beach; Further Setting The Second Public Hearing For The Second And Final Reading Of The Development Agreement; Further Directing The Administration To Prepare A Resolution Granting A Waiver Of Developer's Required Art In Public Places Contribution For The Project, With Such Waiver To Be Considered By The City Commission On Second And Final Reading Of The Development Agreement. **5:10 p.m. First Public Hearing**

(City Manager's Office)  
(Continued from March 16, 2005)

**ACTION:** First of two Public Hearings held. **Resolution No. 2005-25880 adopted.** Motion made by Commissioner Cruz to accept the City Manager's recommendation and to finalize the Development Agreement between first and second reading; seconded by Commissioner Bower; Ballot vote: 6-1; Opposed: Commissioner Gross. Second Public Hearing on the Development Agreement is scheduled for May 18, 2005 at 5:00 p.m. Lilia Cardillo to place on the Commission Agenda. **Tim Hemstreet to handle.**

**Administration to prepare a Resolution granting the requested Art in Public Places waiver. Kevin Crowder to handle. Lilia Cardillo to place on the Commission Agenda.**

Jorge Gonzalez, City Manager, introduced and explained the item.

Commissioner Steinberg explained five (5) changes which will be made between the first and second reading.

1. The developer was asked by a Land Use Board to remove six parking meters to allow for a cutout and there is a request for a fee waiver. He stated that he is concerned that this will set a precedence. Instead of the waiver, the developer has been asked to pay for the condominium documents which are approximately the same amount as the fee waiver.
2. There is a provision which addresses an increase demand for parking which gives the developer the option of acquiring more spaces. The developer will have to buy the spaces. There is some discussion about having a time window and date within which this can occur and a date when it can no longer occur.
3. There needs to be language added that the developer can only sign checks pursuant to the budget.
4. There is currently a right-of-first refusal, if the City chooses to sell its spaces there needs to be clarifying language on the price where the fair-market value referred to is actually the offer amount and subject to a discount but not based on expert testimony but merely on the offer price.
5. The agreement has language about a supermarket lease for 10 years, it is his understanding that they intend to enter into a much longer term lease. If the deal falls through, and the City looks for a supermarket, the City will have the flexibility to enter into a longer term agreement.

Commissioner Cruz commended Jorge Gonzalez, City Manager, and his staff. This is an extensive agreement and one of the better ones. He stated that he agrees with the City Manager that the one weakness in the agreement is the termination. He stated that he would like to become more familiar with the termination language between first and second reading to see if anything can be done.

Jorge Gonzalez, City Manager, explained the termination provisions, if it is executed.

Benita Argos spoke.

Nancy Liebman spoke.

Heather Urban, Chair of Art in Public Places, spoke.

Wayne Pathman, Esq., representing the developer spoke.

Mr. Berkowitz stated that he proposed a project at the entrance of Miami Beach on land which he owns. He stated that he does not have an obligation to provide art of any kind; however, the proposal has a series of pieces of art which will be created by Romero Britto. The project has gone before the Planning Board, and a series of joint meetings of the Design Review and Historic Preservation Boards. If it were not for the fact that the project is permitting the City to buy a condominium interest of 535 parking spaces within the project there would be no Art in Public Places requirement. He stated that he is selling the City parking spaces below cost. If the City wants an Art in Public Places contribution the City should pay for it.

Mr. Sanford Ziff spoke.

Jeremy Chester, AIPP Committee member, spoke.

Wayne Pathman, Esq., representing the developer, outlined the benefits of the development. He also stated that the developer has agreed to all of Commissioner Steinberg's changes in principal; however, there are a couple of items which need to be worked out between first and second reading.

He believes Commissioner Steinberg and his client are agreeable to the conditions. The City is requiring the developer to make a condominium agreement to transfer the parking spaces to the City. As a result, there is a statutory requirement to make a five (5) year warranty. Typically there is a one (1) year warranty. Both the developer and the Administration are working on some language to resolve this issue. The other issue is the restaurant. If the developer wants to include a restaurant, the developer will probably sell the City fewer spaces to satisfy the parking requirements. This is still being discussed.

Raul Aguila, First Assistant City Attorney, answered questions regarding the Art in Public Places ordinance.

**Motion made by Commissioner Cruz to accept the City Manager's recommendation, seconded by Commissioner Bower; Ballot vote: 6-1; Opposed: Commissioner Gross.**

Mayor Dermer stated that he is concerned about several items with this deal. The AIPP protocol is an issue. There should have been an advisory opinion from the AIPP. He spoke about the benefits of the supermarket and also about the size of the project. He recognized Jorge Gonzalez, City Manager, and stated that he and the staff did an excellent job in negotiating this agreement. He recognized and commentated Wayne Pathman and Mr. Berkowitz.

Wayne Pathman, Esq. thanked Mayor Dermer, the City Commission and also Christina Cuervo, former Assistant City Manager.

Jorge Gonzalez, City Manager, recognized and thanked Tim Hemstreet and Patricia Walker, Kevin Crowder, Jorge Gomez, Thomas Mooney, William Cary, Saul Frances, Chuck Adams, Raul Aguila, Fred Beckmann, Christina Cuervo, Brian Tague, Outside Counsel, and Commissioner Smith.

Mayor Dermer thanked Jorge Gonzalez, City Manager, for his efforts and the time spent on making this happen.

## Handout or Reference Materials

1. Letter from Steve L. Wasserstein, President and Director Murano Grande at Portofino, RE: Alton & 5<sup>th</sup> Street Project – Grocery Store and Retail Center
2. Letter dated April 20, 2005 from Ruth Remington, Board President, Murano At Portofino Association, RD: Alton & 5<sup>th</sup> Street Project – Ground Floor Grocery Store and Vertical Retail Center
3. Copy of the Development Agreement between City of Miami Beach and AR&J SOBE, LLC
4. Yellow folder containing information about Romero Britto

City Clerk's Note: Development Agreement submitted under separate document.

**8:57:06 p.m.**

- R7G A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Qualifications (RFQ) No. 01-04/05 For An Environmental Assessment For The 5th And Alton Transit Center; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of HDR Engineering, Inc; Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of URS Corporation; Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate With The Third Ranked Firm Of Geotech Environmental.  
(Economic Development)

**ACTION: Resolution No. 2005-25871 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Vice-Mayor Garcia. Kevin Crowder and Fred Beckmann to handle.

**11:07:43 a.m.**

- R7H A Resolution Amending Resolution No. 2004-25742, Setting The Dates For The Year 2005 Commission Meetings; Authorizing A Change In The Commission Meeting In May From May 25 To May 18; Canceling The May 4 Commission Date And Keeping May 25 As An Alternate Commission Meeting Day; Scheduling September 14, October 26 And December 14 As Alternative Commission Meeting Dates. **Joint City Commission and Redevelopment Agency**  
(City Clerk's Office)

**ACTION: Item heard in conjunction with RDA 3A. Resolution No. 2005-25872 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. R. Parcher to handle.

**Supplemental Material (Memorandum):****3:49:16 p.m.****4:08:21 p.m.**

R7I A Resolution Authorizing The Administration To Continue With The Construction Scope Of Work Of The Pool Portion Of The Normandy Isle Park And Pool Project, Independently From The Performance Bond Claim To The St. Paul Guardian Insurance Companies, Regosa Engineering's Surety Company; And Appropriating \$1,119,418 From 2% Resort Tax Contingency From Incentive Savings To Provide Sufficient Funding To Complete The Project.

(Capital Improvement Projects)

**(Memorandum and Resolution to be Submitted in Supplemental)****ACTION: Heard in conjunction with R7J. Resolution No. 2005-25873 adopted as amended.**

Motion made by Commissioner Gross with the amendments; seconded by Commissioner Steinberg; Voice vote: 7-0. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

**Amendment: To appropriate \$561,269 from the North Beach Quality of Life, and up to \$558,149 from the Parking fund. Once the City is reimbursed from Surety, pay back the Parking fund first.**

Jorge Gonzalez, City Manager, explained that Normandy Park Pool has a myriad of construction problems. The contractor was defaulted and the City has been working with the Surety Company to seek completion of the project. Despite several assurances from the Surety Company that they will assume the responsibility and complete the project, that has not taken place. The Administration proposes, which is similar to what was done with the pump station project, while in dispute with Surety, that the City engage our own contractor, and then once negotiations with the Surety are concluded, to reimburse the City. In order to accomplish this, \$1,119,418 needs to be appropriated, which will allow the City to enter into a full contract with the new contractor, if necessary. To appropriate the funds a funding source needs to be designate. The Administration has identified a few sources and it is the Administration's preference, if it is the will of the City Commission, to provide funding from the Parking fund. In the past, the Parking funds were used as a loan to start CIP projects, but the City Commission has been hesitant to do that. In this case, the Administration anticipates receiving the Surety refund which will allow for a refund of the loan immediately. The other alternative is to split the funding. There is \$558,000 in the Resort Tax 2% component, and the balance could come from the Parking fund or from uncommitted Quality of Life Program. However, since 911, the City reported to Wall Street that the City's intention is to try not to touch the funds to operate or filling holes in the budget. He recommended using the Parking fund and to reimburse the fund from the Surety settlement.

Commissioner Smith agrees with the City Manager's recommendation of appropriating the funds from the Parking fund. Surety was advised of this claim in June 2004 and the claim was acknowledged in December 2004. It is now April 2005, and Surety has not taken responsibility for this project. His concern is if the Surety is ever going to pay, and from what he has read, feels they are acting in bad faith. This procedure will probably force them to pay the City, but also it can be enforced by filing a complaint with the State Insurance Commissioner or negotiation in bad faith settlement of claims.

**Motion made by Commissioner Smith to approve the Administration's recommendation with a request to file claim with the State Insurance Commissioner to see if the City can expedite payment by Surety. No second offered and the discussion continued.**

Jorge Chartrand, Acting CIP Director, explained that the Surety has given a date for a pre-bid and submitted a tentative bidding timeframe for May. They have continued to ask questions about the documents and about the existing conditions. At this point the City needs to continue the process.

Jorge Gonzalez, City Manager, stated that if the Surety demonstrates good faith and a contract is

entered into, the City does not have to do what is being recommended. He requested the authority, and the Administration will exercise its judgment in terms of what is the best way to proceed.

Jorge Chartrand, Acting CIP Director, stated that the bids should be back sometime in early May.

Commissioner Steinberg stated he wants this project to go forward but cannot support using the Parking Fund. He stated that he would feel more comfortable splitting the Quality of Life uncommitted funds, plus a portion from the Parking Fund.

Commissioner Gross accepted Commissioner Steinberg's recommendation as part of the motion.

Commissioner Steinberg asked the City Manager what the split would be between the two sources.

Jorge Gonzalez, City Manager, stated that up to \$561,000 on the Quality of Life Fund, and the \$558,000 from the Parking Fund and the Parking Fund will get reimbursed first.

Commissioner Steinberg stated that for the record, the only reason he is in support of this is because there is a Surety and the Parking fund will be repaid first.

**Supplemental Material (Memorandum):**

**3:49:16 p.m.**

**4:00:13 p.m.**

R7J A Resolution Appropriating \$537,990 From Series 2000 Stormwater Bond Interest Funds; Appropriating \$150,000 From The 1999 General Obligation Bond Fund (Previously Allocated For The Shane Watersports Center); And If Approved By The US Department Of Housing And Urban Development (HUD), Reallocating The Unspent Portion Of The US Department Of Housing And Urban Development (HUD) Grant Through Florida International University (FIU) Originally Allocated For The North Shore Park And Youth Center Concession Stand, To Provide Sufficient Funding To Complete The Park Portion Of The Normandy Isle Park And Pool Project.

(Capital Improvement Projects)

**(Memorandum and Resolution to be Submitted in Supplemental)**

**ACTION: Heard in conjunction with R7I. Resolution No. 2005-25874 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

See discussion on R7I.

**5:27:16 p.m.**

R7K A Resolution Approving The Preliminary Plans And Specifications Submitted By The Miami Beach Jewish Community Center, Inc. (JCC) On February 8, 2005, As Recommended By The Neighborhood/Community Affairs Committee On March 29, 2005, Although Materially Inconsistent With The Original Concept Plan Contained In The Amended And Restated/Consolidated Lease Agreement By And Between The City Of Miami Beach And The JCC For The City-Owned Property Located At 4221-29 Pine Tree Drive, Miami Beach, Florida; Further Authorizing The City Manager To Execute Any And All Proprietary Documentation, On Behalf Of The City, Related To The JCC's Application To The City's Design Review Board, As May Be Required.

(Asset Management)

**ACTION: Resolution No. 2005-25875 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 4-0; Absent: Vice-Mayor Garcia, Commissioners Gross and Smith. Joe Damien to handle.

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**R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.  
(City Clerk's Office)

**ACTION:****Arts in Public Places:**

Jim Weingarten Term expires 12/31/06 Appointed by City Commission TL 12/10

**Community Development Advisory Committee:**

Alan Lips Term expires 12/31/06 Appointed by Commissioner Cruz TL 12/12

Liliam Curi-Janata Term expires 12/31/06 Appointed by Vice-Mayor Garcia TL 12/07

**Loan Review Committee:**

Joshua Levy Term expires 12/31/06 Appointed by Commissioner Smith TL 12/08

**Oversight Committee for General Obligation Bond:**

Christina Cuervo Term expires 12.31.06 North Beach Appointed by Mayor Dermer TL12/10

Joy Malakoff Appointed as Ex-Officio member from the Planning Board.

Alex Annunziato Appointed as Ex-Officio member form the Community Development Advisory Board

**Parks and Recreation Committee:**

Barbara Gelber TL 12/31/05 Term expires 12/31/06 Appointed by Vice-Mayor Garcia TL 12/05

**Transportation and Parking Committee:**

Minette Benson Term expires 12/31/06 Appointed by Commissioner Smith TL 12/08

**3:35:04 p.m.**

R9A1 Nomination Of Jim Weingarten To The Art In Public Places Committee.  
(Requested by Commissioner Simon Cruz)

**ACTION:** Motion made by Commissioner Cruz to appoint Mr. Jim Weingarten to the Art In Public Places Committee; seconded by Commissioner Bower; Voice vote: 7-0. Robert Parcher to handle.

**3:35:15 p.m.**

R9A2 Reappointment Of Nancy Liebman To The Performing Arts Center Trust.  
(Requested by Mayor David Dermer)

**ACTION:** Nancy Liebman appointed by acclamation of the City Commission. Robert Parcher to handle.

Jorge Gonzalez, City Manager, referenced a letter from Michael C. Hardy, President & CEO, Miami Performing Arts dated March 8, 2005, indicating that Bruce Davidson resigned from the Performing Arts Center Trust Board of Directors and submitting the following nominees for consideration: Barry Chase, Sonia Dula, and Richard Milstein.

Vice-Mayor Garcia nominated Richard Milstein; seconded by Commissioner Steinberg. Discussion continued.

Commissioner Bower stated that all of the candidates want to be members of the Trust. She met with Ms. Dula and suggested that they meet with her. Commissioner Bower stated that this is the



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Mayor's appointment and requested a deferral.

**3:39:10 p.m.**

R9A3 General Obligation Bond Oversight Committee Appointment.  
(City Clerk's Office)

**ACTION:** Motion made by Commissioner Bower to appoint Joy Malakoff (Planning Board) and Alex Annunziato (CDAC); seconded by Commissioner Steinberg; Voice vote: 7-0. Robert Parcher to handle.

R9A4 Nomination Of Christina M. Cuervo As The North Beach Representative On The General Obligation Bond Oversight Committee.

(Requested by Mayor David Dermer)

**ACTION:** Motion made by Commissioner Steinberg to appoint Christina Cuervo; seconded by Commissioner Smith; Voice vote: 7-0. Robert Parcher to handle.

**1:51:49 p.m.**

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

**ACTION:**

1. **Mr. Lee Weiss** stated that he has two concerns. First about the bonuses and salary increase for the city manager; and stated that he does not get the responses from the city manager that he should be getting. The other issue is that of committee members term limits.

2. **Gabrielle Redfern** stated that she is a resident and a Group I candidate for the City Commission in November 2005. She stated that there have been some questions raised about the appropriateness of nursing her baby, Elsie, at public meetings.

3. **Mary Harris** spoke in support of Ms. Redfern and the need to educate the public that breastfeeding is a normal part of Miami Beach and that women should be encouraged to nurse in public and not to hide behind doors.

4. **Carisa Bell** spoke in support of Ms. Redfern.

5. **Ellen Sandoval** spoke in support of Ms. Redfern.

6. **Christina Koffman** spoke in support of Ms. Redfern.

7. **Dr. Janet Mairena** spoke in support of Ms. Redfern.

8. **Alex Annunziato**, a Group I candidate for the City Commission in November 2005, spoke on behalf of Ms. Redfern.

9. **Michael Brennan** stated that he believes the Administration is not as open and responsive as he believes it should be. He requested that the Commission give the city manager direction to be more responsive to his subordinates and constituents. He spoke about the Administration being slow and lacking proactive responses from the Management rather than trying to be proactive in addressing matters. He also addressed the lack of responsiveness regarding the North Shore Youth Center in addressing ADA issues.

**10. Joe Fontana** spoke as Chairman of the North Shore Youth Center Oversight Committee and gave an overview of the status of the Committee. He talked about why some of the members of the Committee resigned. He stated that it is up to the Commission to determine if they want to sunset the Committee without the Certificate of Occupancy being issued, not accept the resignation of the members or do what the City Manager recommended at the Neighborhood/Community Affairs Committee meeting, which is to keep this Committee intact for the rest of the year and appoint another Committee to work with them with respect to programming, marketing, etc. and then phase the Committee out.

**11. Mike Thompson**, Vice-Chair, North Shore Youth Center Oversight Committee, spoke about the ADA issues at the North Shore Youth Center. Fire Inspectors were also asked to inspect the building. He also talked about how the fines and settlement with the contractor were handled and that the Committee was not invited to attend the meetings. He stated that as an Oversight Committee member he can not explain anything which was negotiated and it isn't right. He talked about the Normandy Pool and why it has taken so long to build. He stated that he resigned from the Committee because he felt that the Committee was not being included; therefore, he couldn't do his job.

Commissioner Smith stated he has spoken with the members of the Administration who were dealing with the Committee and some of the members who have resigned from the Committee to determine what the issues were. He visited the Center to see some of the ADA and sign issues. One of the issues which troubles him is the \$310,000 in liquidated damages which was offset against a claim of \$1.2 million. His concern is that the issue didn't go before the Committee. He asked why the communications broke down.

Jorge Gonzalez, City Manager, stated that in fact things when right in building this facility. Where did things go wrong is difficult to pinpoint. From the inception the Committee meetings were challenging. Communication was not always a pleasant experience. The Administration worked with the Committee. What sometimes ends up happening is the line between advice, guidance, and direction and supervision get blurred. When Committees lose site of the fact that they are advisory in nature and start giving directives there comes the time to say thank you and allow the Administration to do their jobs. The Committee was formed to help bring the building to completion. Approaching the completion of the project, the Committee began to desire to dwell into activities beyond the original purpose of the Committee. He stated that the City has a staff of professionals who are mission driven to finish this project and has endeavored to keep the Committee as informed. In the end everyone should all be celebrating this beautiful facility, the great job done by all and its huge success.

Tim Hemstreet, Acting Assistant City Manager, explained the process, the delay claims, the negotiations with the contractor, and the settlement agreement.

Commissioner Smith asked if there is sentiment on the Commission to keep the Committee in place until the final Certificate of Occupancy is issued.

Commissioner Cruz stated that this project is a success and everyone should be celebrating.

Jorge Chartrand, Acting CIP Director, clarified that the remaining issues to obtain a Certificate of Occupancy are issues which were originally out of the scope work which was originally contracted for.

Mayor Dermer stated that the Oversight Committee members have done good work and that the Committee's job has now concluded. He also stated that he would like to get Joe onto another project.

Vice-Mayor Garcia stated that sometimes the Administration fails to communicate. He also stated that because of the involvement of Mr. Fontana has had with this Committee, his efforts should be recognized and Joe Fontana's name should be prevalent on the building.

Commissioner Steinberg suggested placing a plaque on the building to recognize all the members of the North Shore Youth Center Oversight Committee for their efforts and accomplishments. Mayor Dermer, Commissioner Bower, and Commissioner Smith stated that this is the right thing to do. **Kevin Smith to handle.**

Jorge Gonzalez, City Manager, stated that he appreciates the Committees contribution and everyone should be celebrating its huge success.

**6:37:55 p.m.**

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:**

1. **Laura Mercado** spoke in Spanish regarding the benefits of Feinberg-Fisher Health Clinic and Jorge Gonzalez, City Manager, translated to English.

Commissioner Bower explained the issues involved with the Health Clinic.

Jorge Gonzalez, City Manager, gave an overview of the operations and funding of the Feinberg-Fisher and Nautilus Health Clinics.

Mayor Dermer suggested looking for full funding to keep the clinic operational.

2. **Angelica Aguilar** spoke.

3. **Melanie Cidhalinni** spoke.

4. **Andrea Ruesta** spoke.

5. **Ivette Buchinger** spoke.

6. **Benita Argos** spoke and distributed a copy of City Code section 58-294.

Handout or Reference Materials

1. Copy of City Code section 58-294

2. Ms. Buchinger submitted a letter dated April 13, 2005 addressed to Mayor Dermer.

**9:01:05 p.m.**

R9C Discussion Regarding A Resolution Urging The Florida Legislature To Utilize The 2004-2005 District Cost Differential ("DCD") Until Such Time As A New And Equitable Calculation For The DCD May Be Devised By A Qualified, Unbiased Third Party And Urging The Miami-Dade Legislation Delegation To Adopt This Goal As A Major Priority And A Non-Negotiable Objective For The 2005 Legislative Session.

(Requested by Commissioner Matti Herrera Bower)

**ACTION: Resolution No. 2005-25876** adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Gross. Kevin Crowder to transmit to the City's State Lobbyists.

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**12:02:41 p.m.**

R9D The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room For A Fiscal Year 2005/06 General Fund Budget Briefing.  
(City Manager's Office)

**ACTION:** The Mayor and All Commissioners were in attendance.

Jorge Gonzalez, City Manager, gave an overview of the 2005/06 budget. He also explained the RDA funding model.

Mayor Dermer talked about his concept of giving money back to the residents who have homesteaded property.

Jorge Gonzalez, City Manager, gave an overview of the Urban Impact Compensation Fund. See Agenda item R9F.

Jorge Gonzalez, City Manager, stated that the surveys were in the process of being tabulated. The information will be distributed to the Mayor and Commissioners before the Commission retreat scheduled for May 20 and 21. He also stated that the Administration will map out how the money from South Pointe RDA could be used. **Kathie Brooks to distribute the survey results when finalized.**

Mayor Dermer stated that City contractors are telling the public that the City could do more if we had more money. He asked that the contractors be requested to stop doing this.

Handout or Reference Materials

1. Budget projects distributed at the Committee of the Whole meeting

**9:01:23 p.m.**

R9E Discussion Regarding A Resolution Urging The South Florida Workforce Not To Close The One Stop Career Center In Miami Beach Due To Its Vital Contribution To The Citizens Of Miami Beach And Adjoining Communities.

(Requested by Commissioner Matti Herrera Bower)

**ACTION: Resolution No. 2005-25877** adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Gross.

**3:06:18 p.m.**

R9F Discussion Regarding The Urban Impact Compensation Fund.

(Requested by Mayor David Dermer)

**ACTION:** Discussion held. **Referred to the Finance and Citywide Projects Committee.**

Motion made by Commissioner Gross to refer the item to the Finance and Citywide Projects Committee; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to place on the committee agenda. **Kathie Brooks to handle.**

Mayor Dermer stated that this is a concept to give money back to year-round residents of the City of Miami Beach and to track them through the Homestead Exemption information. Eligible residents will have to opt for it. He requested the matter be referred to the Finance and Citywide Projects Committee and asked the City Manager to explain the concept.

Jorge Gonzalez, City Manager, stated that this program will be a line-item in the budget called Urban Impact Compensation Fund, or some other name, and is a mechanism to provide some level of relief to full-time property owners on Miami Beach. The Administration is creating a mechanism that if a person is a homesteaded, full time property owner on Miami Beach, he/she can receive a return of some sort for living on Miami Beach, subject to the approval of the Finance and Citywide Projects Committee and ultimately the City Commission. The Administration is trying to structure a format or a return-on-your-investment for living on Miami Beach. Eligible property owners/residents can opt into the program and the City would return funds back in the new fiscal year, after all taxes and fees have been paid. The formula suggested is something that would equate to something similar to \$50,000 Homestead Exemption instead of the \$25,000 and returning only the City portion to those who are eligible and opt into the program. As the budget process continues the pay back would be refined. It needs to be clear that the Homestead Exemption is being used as a model only to work out the math.

Vice-Mayor Garcia stated that he would like to extend the rebate to full time residents who have Homestead Exemption and live in a duplex or four-plex to the entire building. He believes that the Homestead Exemption only applies to the unit the owner is living in. He asked Mike Thompson how the Homestead Exemption was applied to duplexes.

Mike Thompson stated only one unit receives Homestead Exemption.

Commissioner Gross commended Mayor Dermer and stated that the details can be discussed at Committee. He made a motion to refer the item to the Finance and Citywide Projects Committee; seconded by Commissioner Bower; Voice vote: 7-0.

#### **New item**

**3:16:35 p.m.**

Commissioner Bower announced that on April 27<sup>th</sup> there will be a networking Happy Hour sponsored by David's Café and the Miami Beach Police Department, requiring a donation of \$20, proceeds of which will go to the Cancer Society. She invited the public to attend.

#### **Handout or Reference Materials**

1. Color brochure of the event

**3:39:57 p.m.**

R9G Discussion Regarding The Possible Demolition Of The Fontainebleau North Tower.  
(Requested by Mayor David Dermer)

**ACTION:** Discussion held. No action required.

Mayor Dermer placed this item on the Agenda to find out if there is any truth to the rumor of the possible demolition of the north tower.

Thomas Mooney, Preservation & Design Manager, spoke.

Harold Rosen, Esq. representing the Fontainebleau, spoke.

Melanie Muss spoke.

- R9H Discussion And Referral To The Neighborhood/Community Affairs Committee Regarding An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sex Offenders" And Creating Section 70-400, Entitled "Sex Offender Residency Prohibition," Providing For A Prohibition From Sex Offenders Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach; Providing For Codification, Repealer, Severability, And An Effective Date.  
(Requested by Mayor David Dermer)

**ACTION:** See Addendum item R5H.

**3:24:48 p.m.**

- R9I Discussion Regarding The Efforts By The Fire Fighters Union In Conjunction With The City Administration To Access Redevelopment Funds To Enhance Fire Rescue Services.  
(Requested by Vice-Mayor Luis R. Garcia, Jr.)

**ACTION:** Discussion held. **Resolution No. 2005-25879** adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. Kevin Crowder to transmit to Tallahassee.

Vice-Mayor Garcia stated that this is a result of his recent trip to Tallahassee. He met with the Fire Fighters Union and regarding this issue, they thought they were doing all the work without any support. He asked the City Manager to explain how the Police RDA funding was handled.

Jorge Gonzalez, City Manager, explained that there are two (2) Redevelopment areas, South Pointe and City Center, in the City of Miami Beach. Community Redevelopment Agencies (CRA) are strictly regulated by State Statutes. Most of the dollars collected in CRA's must be spent on capital projects in that CRA. Several years ago the City was successful with both the State and County in having the regulations amended to allow for some additional services to be funded out of the CRA; primarily community policing efforts which help eradicate slum and blight. In conversations with the fire union they want to pursue a similar legislation to allow for additional fire services. He stated this is a great idea if the City can get the approvals. He stated that somehow the fire union got word that he was not in favor of seeking the amendment and this is not true.

Vice-Mayor Garcia talked about his experience with Dade-Days. He also stated that he met with State Senator Margolis who had introduced CRA legislation in the Senate. He stated that she is frustrated because there doesn't seem to be any support or encouragement. He also went to see State Representative Gus Barreiro who was supposed to enter CRA legislation in the House. He added that Representative Barreiro stated that he wasn't sure if Miami Beach wants the legislation. There is also opposition from Miami-Dade County. Representative Barreiro isn't going to do anything with CRA's unless the City urges him to do it. He stated that Representative Gelber didn't know anything about this legislation. He also met with the president of the South Florida Council of Firefighters. He reiterated that our representatives are not going to support this if we are not supportive and offer encouragement. He stated that every County in the State except Miami-Dade County is allowed to use the funds to pay for firefighters.

Jorge Gonzalez, City Manager, stated what he told the fire union yesterday to share with our legislators, that this is a discussion which should be held at the local level. The only way that discussions between the City and the County can happen is if the State enables it to happen.

Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0.

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**5:33:44 p.m.**

R9J Discussion Regarding The Carrfour Facility Being Established On North Beach.  
(Requested by Vice-Mayor Luis R. Garcia, Jr.)

**ACTION:** Discussion held. Mayor Dermer will request Ms. Pellerin-Barcus or a representative of Carrfour to attend the May 18 Commission Meeting. Lilia Cardillo to place on the Agenda.

Vice-Mayor Garcia stated that several weeks ago the Carrfour facility in North Beach came to his attention. He drove by and saw the sign in front of the building indicating the building is being built with CDBG funds from the City of Miami for a halfway house. He met with neighbors who felt they had never been informed and left out of the process. In addition, there is a school a half a block away. He quoted from an email sent to him by Ms. Pellerin-Barcus, "Carrfour anticipates that many of the homeless individuals targeted for residency at Hardin Village will need to undergo substance abuse, mental health and medical treatment in order to meet the requirements."

Jorge Gonzalez, City Manager, stated that this item first came before the Commission in 2002 when a Certification of Consistency was requested and approved. From the Administration's perspective, that was the end of the City's involvement in the project. Since that time there has been additional direction to try to increase the City's homeless efforts and to provide for services for the homeless. As a result of a Commission Workshop addressing the homeless issue, an outcome was that at this facility and at the facility on 5<sup>th</sup> Street, priority would be given to Miami Beach homeless.

Commissioner Gross stated that it is his understanding that the people who are going to be serviced in this facility are first and foremost people who are formally homeless on Miami Beach. After they have been treated and are at a point where they can live in a facility like this one, housing is being provided. Miami Beach is one of the few communities that does not contribute Resort Tax money to the Homeless Trust. He stated that since Miami Beach does not have an emergency shelter on the Beach that supportive housing would be provided. The Commission approved one facility on South Beach and approved one in North Beach. Both are located in multifamily residential districts.

Jorge Gonzalez, City Manager, stated that this is the last part of the continuum of care that the County's system provides.

Commissioner Bower explained that this is not the first entry for the people who will be occupying this facility. These are people who have gone through all the services and they are deemed to be individuals who have been rehabilitated. The house has stringent criteria to stay in the facility.

Mayor Dermer asked if the City has jurisdiction over this matter.

Jorge Gonzalez, City Manager, stated that he does not believe this is a matter which is before the Commission. He stated that he thinks that the matter in question is one of zoning. In the letter from Carrfour saying "I assure you that the proposed use is an apartment as permitted under RM-1 residential." As long as the nature of use is not institutional, the zoning allows for this type of usage. The moment it becomes institutional it will need to go through a conditional use process.

Murray Dubbin, City Attorney, stated that from the evidence supplied to the City, the type of use stated is approved for that area. If Carrfour strays from the type of use stated, then it is a violation and action could be taken.

Reinaldo Castellanos, Esq., spoke on behalf of a group of parents in the audience.

Richard Schindler spoke.

Maria Nina Ramirez spoke.

Sira Batista, representing the concerned parents of St. Joseph's, spoke.

Mayor Dermer stated he had a number of questions about what this is all about and believes that only the people running the program can answer some of his questions. This Commission has been trying to deal with the issue of homelessness. This facility was represented to the Commission as a facility that would handle Miami Beach homeless and if this isn't the case, this Commission needs to know about it. He stated that he will either personally invite Ms. Pellerin-Barcus to speak at the next Commission Meeting or he will meet with her one-on-one.

Commissioner Bower explained that because Federal funds are being used they can't guarantee only Miami Beach homeless will be assigned to the facility. Her personal guarantee is that her first priority will be Miami Beach homeless.

Commissioner Smith is very familiar with this property, which was a rat infested, drug-dealing, prostitution latent, and in total disrepair, and Carrfour was given the opportunity to spend several million dollars to improve the property. The property is being rehabilitated and it is looking a lot nicer than it has ever looked. He stated that at the time this was approved by the City Commission, he asked the City Attorney if the City could reject the application for consistency with the Consolidate Plan and was told "no" because Carrfour is performing a service which is consistent with the Consolidated Plan. If the Commission voted "no" the City would be subject to a federal lawsuit just like the Douglas Gardens lawsuit which the City lost and were ordered to pay \$750,000 in damages.

Vice-Mayor Garcia stated that perhaps this whole discussion could have been avoided if Ms. Pellerin-Barcus had come to this meeting as was requested.

Motion made by Vice-Mayor Garcia that the City formally request Carrfour be present at the next Commission Meeting to explain what they plan to do with the property; no second offered and the discussion continued.

Mayor Dermer stated that he will personally contact Ms. Pellerin-Barcus and invite her to the next Commission Meeting.

#### Handout or Reference Materials

1. Six (6) Color Pictures
2. Petitions title "Petition for the protection of the children of St. Joseph's School from Carrfour's "Supportive Housing" Institution, 8500 Harding Avenue, Miami Beach, Florida
3. Memorandum from Commissioner Bower to Jorge Gonzalez, dated April 15, 2005, RE: Carrfour Supportive Housing – Attached to the Memorandum is a letter dated February 10, 2005 from Maria Pellerin Barcus, President /CEO, Carrfour Supportive Housing to Jorge Gomez and a letter from Jorge Gomez dated January 26, 2005 to Ms. Pellerin

#### Addendum Item:

**3:18:07 p.m**

R9K Discussion Regarding A Resolution Opposing The Establishment Of A Distribution Cap On The Housing Trust Funds By The Florida Legislature, Which Would Significantly Decrease The Number Of Low To Moderate-Income Individuals And Families That Can Obtain Affordable Housing In Miami Beach.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Discussion held. **Resolution 2005-25878 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 7-0. Kevin Crowder to handle.

Commissioner Bower explained the need for this resolution.

Commissioner Steinberg requested that Ron Book be made aware of this if he isn't already.



Kevin Crowder, Economic Development Division Director, stated that the Florida Senate has voted to eliminate the proposed cap. The Florida House has not eliminated the cap and still has it coming in the FY 06/07 budget. There has not been a built-in escalator for CPI, or indexing to housing costs. It is just a hard cap.

Commissioner Steinberg stated that the League of Cities has been active on this issue.

### **R10 – City Attorney Reports**

**12:03:22 p.m.**

R10A Notice Of Attorney-Client Session

Pursuant To Section 286.011(8), Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

City Of Miami Beach Vs. Miami-Dade County, Florida And 900 Collins Ave., LLC., Eleventh Judicial Circuit Court, Appellate Division, Appellate Case No. 05-087 AP; Lower Case No. BV04000959

Therefore, A Private Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On April 20, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation. The Specific Time Period For And The Commencement Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Opening Of The Attorney-Client Session. The Termination Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Re-Opening Of The Commission Meeting After The Lunch Recess.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Don Papy, And First Assistant City Attorney Gary Held.

**ACTION:** Announced and held.

### **Reports and Informational Items**

A City Attorney's Status Report.

(City Attorney's Office)

**ACTION:** Written report submitted.

B Parking Status Report.

(Parking Department)

**ACTION:** Written report submitted.

C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.

(Capital Improvement Projects)

**ACTION:** Written report submitted.

D      Status Report On The Construction Of Fire Station No. 4.  
(Capital Improvement Projects)

**ACTION:** Written report submitted.

E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Procurement)

**ACTION:** Written report submitted.

F Non-City Entities Represented By City Commission:

1. Minutes From The December 2, 2004 Miami-Dade County League Of Cities Board Meeting And Agenda From The January 6, 2005 Meeting.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Written report submitted.

2. Minutes From The January 28, 2005 Miami-Dade County Homeless Trust Board Meeting.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Written report submitted.

3. Minutes From The February 25, 2005 Miami-Dade County Homeless Trust Board Meeting.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Written report submitted.

**End of Regular Agenda**

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**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
April 20, 2005**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Acting Assistant Director Timothy D. Hemstreet  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of February 2005.

**ACTION:** Written report submitted.

**11:07:43 a.m.**

3. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Amending Resolution No. 2004-25742, Setting The Dates For The Year 2005 Commission Meetings; Authorizing A Change In The Commission Meeting In May From May 25 To May 18; Canceling The May 4 Commission Date And Keeping May 25 As An Alternate Commission Meeting Day; Scheduling September 14, October 26 And December 14 As Alternative Commission Meeting Dates. **Joint City Commission and Redevelopment Agency**

**ACTION:** Heard in conjunction with R7H. Resolution No. 500-2005 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Robert Parcher to handle.

**End of RDA Agenda**

Meeting adjourned at 9:01:41 p.m.